

Amendment No. 1 to HB0594

DeBerry J
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 579*

House Bill No. 594

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(a)(2), is amended by deleting that subdivision in its entirety and by substituting instead the following:

(2) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, or any person, persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations and court prescribes. If the adjudication of delinquency was for an offense involving first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, or a violation of §§ 39-13-211 (voluntary manslaughter), 39-13-212 (criminally negligent homicide), 39-13-527 (sexual battery by an authority figure), 39-13-532 (statutory rape by an authority figure), 39-17-1302 (prohibited weapon), 39-17-1307 (unlawful carrying or possession of a firearm), 39-17-1309 (carrying weapons on school property), 39-17-1311 (carrying weapons on public parks, playgrounds, civic centers and other public recreational buildings and grounds), 39-17-1319 (handgun possession), 39-17-1320 (providing handguns to juveniles), or 39-17-417 Class A or Class B felonies (drug offenses), and if school attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency, the court shall make a finding that the child's school shall be notified. The court shall then enter an order directing the youth service officer, probation officer, or the state agency if the child has been committed to the custody of the state agency, to notify in writing the school principal of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school

attendance, whichever occurs first. In individual cases when the court deems it appropriate, the court may also include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled. When the principal of a school is notified, the principal of the child's school, or the principal's designee, must convene a meeting to develop a plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, child's parent/guardian, or other relevant service providers, including the department of children's services if the child is in state custody, and other appropriate parties identified by the child and parent/guardian shall be invited to the meeting. The plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel that will be responsible for working with the child to complete the goals. Such information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to the provisions of this section, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Such notification in writing of the nature of the offense committed by the child and any probation requirements and the plan shall not become a part of such child's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor. In no event shall a child be delayed from attending school for more than five (5) days. Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.